

U.S. District Court  
FLS - Southern District of Florida Miami  
CRIMINAL DOCKET FOR CASE #: 06-M -3050

USA v. Deoliveira  
Assigned to: Robert L. Dube

Filed: 09/22/06

Dkt # in other court: None

WALDIR FRANCISCO DEOLIVEIRA  
(1) , DOB: 11/02/55, Prisoner  
No. 09945-081 English language  
defendant

Public Defender  
FTS 536-4559  
305-530-7000  
[COR LD NTC pda]  
Federal Public Defender's  
Office  
150 W Flagler Street  
Miami, FL 33130-1556  
305-530-7000

04cr10016NB

Pending Counts:

NONE

Terminated Counts:

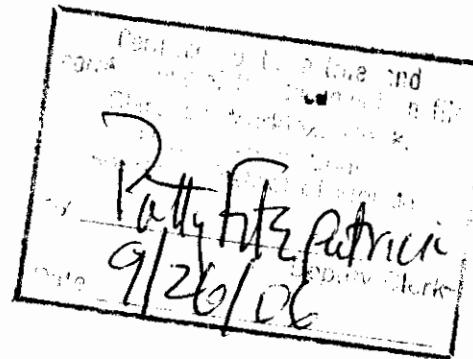
NONE

Complaints:

NONE

U. S. Attorneys:

NONE



09/21/06	1	REPORT Commencing Criminal Action as to Waldir Francisco Deoliveira DOB: 11/02/55 Prisoner # 09945-081 (pf) [Entry date 09/25/06]
09/22/06	2	as to Waldir Francisco Deoliveira Copy of warrant from the District of Massachusetts (pf) [Entry date 09/25/06]
09/22/06	3	ORDER on Initial Appearance as to Waldir Francisco Deoliveira Bond set to NO Bond for Waldir Francisco Deoliveira., for Appointment of Public Defender, , ( Signed by Magistrate Ted E. Bandstra on 9/22/06) Tape # 06H75-432 CCAP (pf) [Entry date 09/25/06]
09/22/06	4	WAIVER of Rule 40 Hearings by Waldir Francisco Deoliveira (pf) [Entry date 09/25/06]
09/22/06	5	ORDER as to Waldir Francisco Deoliveira Warrant of Removal ( Signed by Magistrate Judge Robert L. Dube on 9/22/06) [EOD Date: 9/25/06] Tape # 06H75-432 CCAP (pf) [Entry date 09/25/06]
09/25/06	6	DEFENDANT'S INVOCATION OF RIGHT TO SILENCE AND COUNSEL by Waldir Francisco Deoliveira (pf) [Entry date 09/25/06]

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 06-3050-RLD

UNITED STATES OF AMERICA

NIGHT BOX  
FILED

SEP 22 2006

CLARENCE MADDOX  
CLERK, USDC / SDFL / MIA

Plaintiff,

v.

WALDIR FRANCISCO DEOLIVEIRA,

Defendant.

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**DEFENDANT'S INVOCATION OF  
RIGHTS TO SILENCE AND COUNSEL**

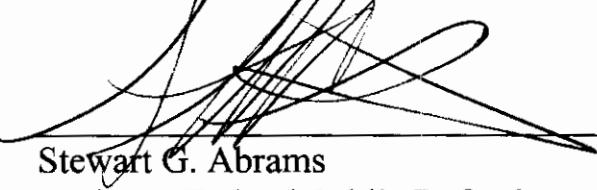
The Defendant named above does hereby invoke his rights to remain silent and to counsel with respect to any and all questioning or interrogation, regardless of the subject matter, including, but not limited to: matters that may bear on or relate to arrest, searches and seizures, bail, pretrial release or detention, evidence at trial, guilt or innocence, forfeitures; or that may be relevant to sentencing, enhanced punishments, factors applicable under the United States Sentencing Guidelines, restitution, immigration status or consequences resulting from arrest or conviction; appeals or other post-trial proceedings.

b  
JW

The Defendant requests that the United States Attorney ensure that this invocation of rights is honored, by forwarding a copy of it to all law enforcement agents, government officials, or employees associated with the investigation of any matters relating to the defendant. Any contact with the Defendant must be made through the defendant's lawyer, undersigned counsel.

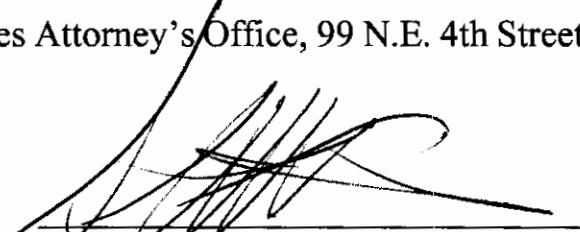
KATHLEEN M. WILLIAMS  
FEDERAL PUBLIC DEFENDER

By:

  
Stewart G. Abrams  
Assistant Federal Public Defender  
Florida Bar No. 0371076  
150 West Flagler Street, Suite 1500  
Miami, Florida 33130-1556  
Tel: 305-536-6900/Fax: 305-530-7120  
E-mail: [stewart\\_abrams@fd.org](mailto:stewart_abrams@fd.org)

**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing instrument was mailed this 25<sup>th</sup> day of September, 2006, to the United States Attorney's Office, 99 N.E. 4th Street, Miami, Florida 33132.

  
Stewart G. Abrams

**FAX BACK SERVICE LIST**

Stewart G. Abrams,  
Assistant Federal Public Defender  
150 West Flagler Street, Suite 1500  
Miami, Florida 33130  
Tel: (305) 536-6900  
fax: (305) 530-7120  
E-mail: [stewart\\_abrams@fd.org](mailto:stewart_abrams@fd.org)  
*Counsel for Defendant*

United States Attorney's Office  
99 N.E. 4<sup>th</sup> Street  
Miami, Florida 33132  
Tel: (305) 961-9000  
Fax: (305) 530-7976  
*Counsel for the Government*

P D.C.

FILED by	MAG. SEC.
22 SEP - 2006	
CLARENCE MADDOX CLERK U.S. DIST. CT. S.D. OF FLA. MIAMI	

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDACASE NO. Ob-3050 Dube'

UNITED STATES OF AMERICA,

v.

WARRANT OF REMOVALWaldyr De Oliveira

A(n) \_\_\_\_\_ Complaint

\_\_\_\_\_ Indictment

\_\_\_\_\_ Information

X Probation Violation Warrant

\_\_\_\_\_ Bench Warrant

having been filed in the District of Massachusetts charging  
the above named defendant with Violation of Supervised Release  
and the defendant having

\_\_\_\_\_ surrendered

X been arrested

in the Southern District of Florida, having had an initial appearance before the Court and having:

X waived further hearing\_\_\_\_\_ been given a hearing in accordance  
with Fed.R.Crim.P. 40.

having not posted the bail as set by the Court, the defendant is hereby committed to the custody of the United States Marshal for removal to the District where the charge is pending and delivery to the United States Marshal for that District or his lawfully authorized representative.

DONE AND ORDERED at Miami, Florida this 22 day of SEPTEMBER, 2006.  
TAPE NO.06H-TS-432

 ROBERT L. DUBE'  
 UNITED STATES MAGISTRATE JUDGE

c: AUSA  
 Defense  
 Pretrial Services  
 U.S. Marshal (2 certified copies)

5/0

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

Case No. 06-3638 Dube SEP - 2006

D  
FILED by  
MAG. SEC.  
22  
CLARENCE MADDOX  
CLERK U.S. DIST. CL.  
S.D. OF FLA. MIAMI

UNITED STATES OF AMERICA,

vs.

WAIVER OF REMOVAL HEARING

Waldyr Francisco de Oliveira

I, Waldyr de Oliveira charged in a proceeding pending in the \_\_\_\_\_ District of MASSachusetts and having been arrested in the Southern District of Florida and taken before \_\_\_\_\_ Robert Dube, a United States Magistrate Judge for that district, who informed me of the charge and of my right to retain counsel or request the assignment of counsel if I am unable to retain counsel, and to have a hearing or execute a waiver thereof, do hereby waive a hearing before the aforementioned magistrate and consent to the issuance of a warrant/order for my removal to the \_\_\_\_\_ District of Massachusetts, where the aforesaid charge is pending against me.

DONE and ORDERED at Miami, Florida this 22 day of

September 2006.  
Witness:

Robert E. Dube  
ROBERT E. DUBE  
UNITED STATES MAGISTRATE JUDGE

Waldyr de Oliveira  
Signature of Defendant

VJ

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDACASE NO. 06-3050-DUBE'

UNITED STATES OF AMERICA

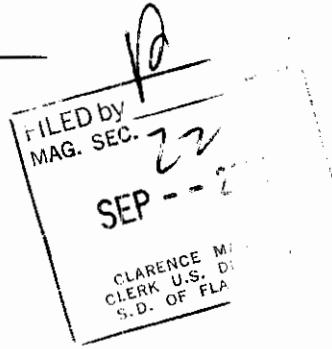
Plaintiff,

v.

WALDIR FRANCISCO DEOLIVEIRA,

DOB: 11/02/55 (J) #09945-081

Defendant.



## ORDER ON INITIAL APPEARANCE

AUSA J. Dimitris  
Agent USMSLanguage English  
Tape No. 06H-75-432

The above-named defendant having been arrested on 9/21/06 having appeared before the court for initial appearance on 09/22/06 and proceedings having been held in accordance with Fed.R.Cr.P. r. 5 or 40(a), it is thereupon

**ORDERED** as follows:

1. \_\_\_\_\_ appeared as permanent/temporary counsel of record.

Address: \_\_\_\_\_

Zip Code: HFD Telephone: \_\_\_\_\_

2. \_\_\_\_\_ appointed as permanent counsel of record.

Address: \_\_\_\_\_

Zip Code: \_\_\_\_\_ Telephone: \_\_\_\_\_

3. The defendant shall attempt to retain counsel and shall appear before the court at 10:00 a.m. on \_\_\_\_\_, 2006.

4. Arraignment/Preliminary/Removal/Identity hearing is set for 10am Waived, 2006.

5. The defendant is held in temporary pretrial detention pursuant to 18 U.S.C. Section 3142 (d) or (f) because \_\_\_\_\_

A detention hearing, pursuant to 18 U.S.C. Section 3142(f), is set for 10am \_\_\_\_\_, 2006.

6. The defendant shall be released from custody upon the posting of the following type of appearance bond, pursuant to 18 U.S.C. Section 3142:

Waived Bond - will no go to hearing  
IN DISTRICT

This bond shall contain the standard conditions of bond printed in the bond form of this Court and, in addition, the defendant must comply with the special conditions checked below:

3  
D

WALDIR FRANCISCO DEOLIVEIRA

- a. Surrender all passports and travel document to the Pretrial Services Office.
- b. Report to Pretrial Services as follows: \_\_\_\_\_ time(s) a week in person; \_\_\_\_\_ time(s) a week by phone ;  
\_\_\_\_\_ as directed; other
- c. Submit to random urine testing and/or treatment by Pretrial Services for the use of non-physician-prescribed substances prohibited by law.
- d. Maintain or actively seek full time gainful employment.
- e. Maintain or begin an educational program.
- f. Avoid all contact with victims of or witnesses to the crimes charged.
- g. Refrain from possessing a firearm, destructive device or other dangerous weapon.
- h. Comply with the following curfew: \_\_\_\_\_
- i. Avoid all commercial transportation facilities; no airports, no marinas, no bus terminals.
- j. Comply with the following additional special conditions of this bond:  
\_\_\_\_\_  
\_\_\_\_\_

This bond was set: At Arrest \_\_\_\_\_  
 On Warrant \_\_\_\_\_  
 After Hearing \_\_\_\_\_

If bond is changed from that set in another District, the reason pursuant to Rule 40(f) is \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

If this space is checked, an evidentiary hearing pursuant to United States v. Nebbia, 357, F.2d 303 (2 Cir. 1966) shall be held prior to the posting of the bond. Such hearing shall be scheduled promptly upon notification to the court that the defendant is ready to post bond.

7. The defendant has been advised by the court that if he or she is released on bond pursuant to the conditions set forth herein or those later ordered by the court, the defendant is subject to arrest and revocation of release and to various civil and criminal sanctions for any violation of those conditions. These various sanctions and penalties are set forth more fully in the Appearance Bond itself.
8. The defendant is committed to the custody of the United States Marshal until an appearance bond has been executed in accordance with this or subsequent court order.

**DONE AND ORDERED** at Miami, Florida this 22nd day of SEPTEMBER, 2006.

ROBERT L. DUBE'  
 UNITED STATES MAGISTRATE JUDGE

c: Assistant U.S. Attorney  
 Defense Counsel  
 Pretrial Services/Probation

**United States District Court  
for the District of Massachusetts**  
**Petition and Affidavit for Warrant or Summons for Offender Under Supervision**

FILED by  
MAG. SEC. *[Signature]* D.C.  
22  
CLARENCE MADDOX  
CLERK U.S. DIST. CT.  
S.D. OF FLA., MIA.

Case Number: 1:04-CR-10016

**Name of Offender:** Waldir DeOliveira**Name of Sentencing Judicial Officer:** The Honorable Nancy Gertner, United States District Judge**Date of Original Sentence:** 2/17/05**Date of Sentence on Violation:** 11/21/05**Original Offense:** Mail Fraud, in violation of 18 U.S.C. § 1341; and False Personation of a United States Officer or Employee, in violation of 18 U.S.C. § 912**Violation Offense:** Terminated from the Directions of Recovery Residential Drug Treatment Program**Original Sentence:** 21 months, followed by 3 years supervised release**Sentence on Violation:** Time Served followed by 30 months supervised release**Type of Supervision:** Supervised Release**Date Original Supervision Commenced:** 8/25/05**Date Supervision Commenced:** 11/21/05**Asst. U.S. Attorney:** Seth Berman**Defense Attorney:** Stephen J. Weymouth**PETITIONING THE COURT**

- To issue a warrant  
 To issue a summons

The probation officer believes that the offender has violated the following condition(s) of supervision:

**Violation Number**    **Nature of Noncompliance**

1. **Violation of Standard Condition No. 6: The defendant shall notify the probation officer at least 10 days prior to any change in residence or employment.**

On 6/20/06 Mr. DeOliveira's wife, Maria Mendes DeOliveira, reported that Mr. DeOliveira left the home on 6/12/06 and had not returned. She also reported that Mr. DeOliveira had made no attempt to contact her since 6/12/06.

On 6/21/06 the U.S. Probation Office received a hand written letter from Mr. DeOliveira dated 6/13/06 indicating that he was in "New York City" and that he was planning on being there for "a good while." He provided no other information as to his whereabouts and he was not authorized by probation to travel outside of the state of Massachusetts. It is also noted that Mr. DeOliveira indicated in his letter that he will "not" be paying his restitution.

*Z  
JP*

**Petition and Affidavit for Warrant or Summons  
for Offender Under Supervision****U.S. Probation Officer Recommendation:**

The term of supervision should be:

- Revoked  
 Extended for year(s), for a total term of years.

The conditions of supervision should be modified as follows:

I declare under penalty of perjury that the foregoing is true and correct.

Reviewed/Approved by:

Respectfully submitted,

Julius H. Britto  
Supervising U.S. Probation Officer

By

Lisa M. Paiva  
U.S. Probation Officer  
Date: 6/21/06

**THE COURT ORDERS**

- No Action  
 The Issuance of a Warrant  
 The Issuance of a Summons  
 Other

Signature of Judicial Officer

Date



SEP 22 2006

CLARENCE WADDUX  
CLERK U.S. DIST. CT.  
S.D. OF FLA. - MIAMIUNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

06-3050-DUBT

UNITED STATES OF AMERICA  
Plaintiff

-vs-

CASE NUMBER: CR-04-CR-10016-NG

REPORT COMMENCING CRIMINAL  
ACTIONDe Oliveira, Waldyr

Defendant

09945-081

USMS NUMBER

TO: CLERK'S OFFICE  
U.S. DISTRICT COURT

MIAMI

FT. LAUDERDALE  
(CIRCLE ONE)

W. PALM BEACH

NOTE: CIRCLE APPROPRIATE LOCATION FOR APPEARANCE IN MAGISTRATES COURT ABOVE.

COMPLETE ALL ITEMS. INFORMATION NOT APPLICABLE ENTER N/A.

(1) DATE AND TIME OF ARREST: 9/20/06 AM        PM(2) LANGUAGE SPOKEN: ENG(3) OFFENSE (S) CHARGED: Probation charge(4) DATE OF BIRTH: 11/02/55

(5) TYPE OF CHARGING DOCUMENT: (CHECK ONE)

 INDICTMENT  COMPLAINT TO BE FILED/ALREADY FILED BENCH WARRANT FOR FAILURE TO APPEAR PROBATION VIOLATION WARRANT PAROLE VIOLATION WARRANTORIGINATING DISTRICT: Massachusetts

(6) REMARKS:

(7) DATE: 9/20/06 (8) ARRESTING OFFICER: A. Alvarado(9) AGENCY: USMS (10) PHONE: 305-536-5677

(11) COMMENTS:

SAO 442 (Rev. 5/93) Warrant for Arrest

## UNITED STATES DISTRICT COURT

District of MASSACHUSETTS

UNITED STATES OF AMERICA

## WARRANT FOR ARREST

V.

WALDIR FRANCISCO DEOLIVEIRA

Case Number: 04-CR-10016-NG  
XAGG45-581To: The United States Marshal  
and any Authorized United States OfficerYOU ARE HEREBY COMMANDED to arrest WALDIR FRANCISCO DEOLIVEIRA

Name

and bring him or her forthwith to the nearest magistrate judge to answer a(n)

 Indictment  Information  Complain  Order of court  Violation Probation Violation

charging him or her (brief description of offense)

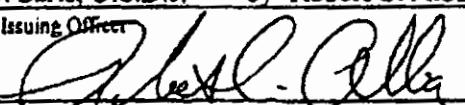
U.S. MARSHAL SERVICE  
BOSTON, MA  
100 JUN 23 A 942

Violation of Conditions of Supervised Release

in violation of 18 United States Code, Section(s) 3606

Patti B. Saris, U.S.D.J. by Robert C. Alba

Name of Issuing Officer



Signature of Issuing Officer

Deputy Clerk

Title of Issuing Officer

June 22, 2006, at Boston, Massachusetts

Date and Location

Bail fixed at \$ \_\_\_\_\_ by \_\_\_\_\_  
Name of Judicial Officer

## RETURN

This warrant was received and executed with the arrest of the above-named defendant



DATE RECEIVED

NAME AND TITLE OF ARRESTING OFFICER

SIGNATURE OF ARRESTING OFFICER

DATE OF ARREST